THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.26219 OF 2005

DATED: 17TH MARCH, 2006.

Between :

Sree Katyayani Colony Welfare Association

H.No.9-8-Chengicherla Road,

Medipally village, Uppal, R.R. Dist. … Petitioner

And

1. The Forest Range Officer, Hyderabad (North)

And another. … Respondents

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ORDER :

The petitioner claims to be a society registered under the provisions of the A.P. Co-

operative Societies Act, 1964 (for short, 'the Act'). It is stated that some of the members of the petitioner society namely (1) K. Vimala Reddy (2) Smt. Chatla Sai Jagan Mohini (3) Smt. Varanasi Anuradha (4) Kompella Radha Krishnudu and (5) Bhamidipalli Sujatha have purchased open land situated in Sy.No.49/2 and that they were also granted permission for construction of residential buildings by the 2nd respondent Gram Panchayat. However, on 5-2-2005 the first respondent having visited the subject lands proclaimed that the said land forms part of Reserved Forest and attempted to interfere with possession of the petitioners. Hence, this writ petition seeking a declaration that the action of the 1st respondent is arbitrary and illegal.

In the counter-affidavit filed by the 1st respondent, it is stated that Sy.No.49/2 of Medipally village has been notified as Reserved Forest following the procedure prescribed under the A.P. Forest Act, 1967. It is alleged that the members of the petitioner association have illegally entered into Reserved Forest land and constructed houses in Sy.No.47 claiming the same to be in Sy.No.49/2 of Medipally village. It is also stated as a matter of fact even Sy.No.49/2 is not a private land and the entire Sy.No.49 admeasuring 13.23 acres along with Sy.Nos.48 and 103 have been declared as "Gairan" equivalent to 5% of the cultivable area of the village.

I have heard the learned Counsel for both the parties.

It is brought to my notice by the learned Counsel for the petitioner that in identical circumstances W.P.No.12578 of 2005 was disposed of by this Court by order dated 19-8-2005 with a direction to the Forest Range Officer or any Superior Officer of the Forest Department to conduct an enquiry into the claim of the petitioner therein, who also claims to have purchased the building admeasuring 245 sq. yards in Sy.No.49/2 under a Registered Sale Deed and allegedly constructed a house and living there.

Since the members of the petitioner association are also similarly situated and since admittedly there is a dispute as to the fact whether the land in occupation of the members of the petitioner society is situated in Sy.No.47 or Sy.No.49/2,

following the order in W.P.No.12578 of 2005, the Writ Petition is disposed of granting liberty to the members of the petitioner society named above, who have been in occupation of the land in Sy.No.49/2 to make representations within two weeks from the date of receipt of this order. As and when such representations are received, the first respondent or any Superior Officer of the Forest Department shall conduct an enquiry as to whether the land in their possession is situated in Sy.No.47 or Sy.No.49/2 and pass appropriate orders in accordance with law. Till such exercise is done, no coercive steps shall be taken to dispossess the said members of the petitioner society.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 17-03-2006

GBS